

## **REMARKS**

### **Status of the Claims**

The Office Action dated October 19, 2009 has been received and reviewed by the applicant. Claims 1-8 are pending in the application. Claims 1-8 stand rejected. Reconsideration is respectfully requested.

Claim 1 is objected to because of the following informalities: “on a radial exterior side of a least one stacking device” in lines 8-9 should be “on a radial exterior side of the at least one stacking device.” In response, claim 1 is amended accordingly.

Claims 1-8 stand ejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection states claim 1 recites the limitation “the delivery unit” in lines 1-2; claim 1 recites the limitation “the deposited sheets” in lines 6-7; claim 1 recites the limitation “in particular” in line 7; and claim 1 recites the limitation “said sheets” in line 7. The rejection states there is insufficient antecedent basis for each of these limitations in the claims. In response, each claim is amended accordingly.

Claims 1-7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Holtje (US 5,692,740). The rejection states that Holtje discloses at least one stacking device (12) that rotates about an axis of rotation (14) comprises at least one tongue-shaped drag element (28a) that is on a radial exterior side of the at least one stacking member (see Figure 1), the at least one drag element being movable in the radial direction relative to the at least one stacking device (see column 6 lines 24-40), the at least one drag element is movable in the radial direction (see column 6 lines 5-24) relative to at least one input means (19a), and a stack abutment (40).

In response, claim 1 is amended to include “at least two accommodation segments arranged on independently coaxially rotating stacking members which can be actuated together or separately.” Support for the amendment is found on page 5, lines 1 – 11 and 30 – 33. In contrast, the cited art does not teach or suggest this limitation. Therefore, as amended, it is respectfully submitted that the rejection be withdrawn.

The Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.